Forest Practices Board

# 10 years of promoting forest stewardship and values

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2004/05 ANNUAL REPORT

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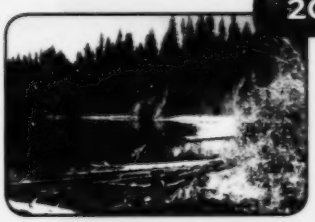
### 2005

- The Board issues its 100th complaint invesigation report.
- Several Board reports find that wildlife habitat concerns continue. Reports address bridge maintenance on forest service roads and rehabilitation of damage caused by fighting forest fires.

### 2004

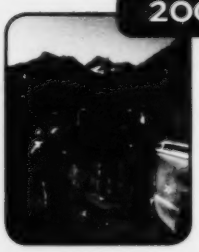
- *Forest and Range Pratices Act* is proclaimed and replaces the Forest Practices Code.
- Special reports address issues of public concern including: mountain pine beetle management, management of non-timber forest products, and endangered mountain caribou populations.

### 2003



- To enable auditing under the *Forest and Range Practices Act*, the Board begins testing the use of criteria and indicators to audit the achievement of results, addressing riparian and soils values.

### 2002

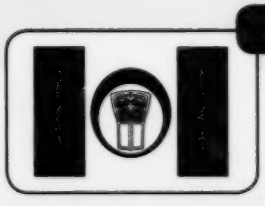


- Government introduces the *Forest and Range Practices Act*, maintaining the role of the Forest Practices Board.
- The first audit of a certified company proceeds, enabling the Board to rely on the work of the certifiers to reduce field time and costs for the Board and the licensee, while providing the public with a high level of assurance.

### 2001

- Government's core review of all ministries, agencies, boards and commissions is carried out, with the Forest Practices Board retained as an important component of the regulation of forest practices in BC.
- Range practices are audited for the first time.

### 2000



- Twelve compliance audits are released, showing improving compliance with the Code, as all parties have become more comfortable with the requirements.
- The Nisga'a Treaty creates a role for the Board to conduct annual audits of forest licensees working on lands being transferred to the Nisga'a people, during the five-year transition period.

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### 1995

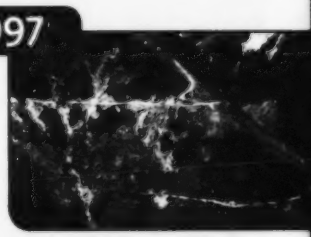
- June 15, 1995 – the Forest Practices Board opens for business.
- 19 complaints are filed.

### 1996

- First four audits of compliance with the Forest Practices Code are conducted.
- First five investigations of public complaints are published.

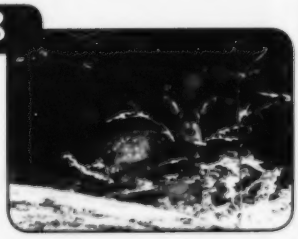
### 1997

- Issue of responsibility for maintenance of pre-Code roads identified in the course of Board audits. Government is notified that old roads are causing environmental damage and no party is responsible under the Code.



### 1998

- Board provides the first overall assessment of the Code, concluding that forest practices have improved significantly since the Code was enacted. However, several problems are identified, including the lack of provisions to protect important wildlife habitat and biodiversity.



### 1999

- A judicial review of a Board audit takes place. The BC Supreme Court upholds the Board's responsibility to report what it finds, recommend improvements and act as the public's watchdog for sound forest practices.
- First audit of the appropriateness of government enforcement of the Code is completed.

# LETTER OF TRANSMITTAL

Honourable Rich Coleman
Minister of Forests and Range

Honourable Barry Penner
Minister of Environment

Honourable Pat Bell
Minister of Agriculture and Lands

Honourable Richard Neufeld
Minister of Energy and Mines and Petroleum Resources

Dear Ministers:

It is with pleasure that I submit to you the Annual Report of the Forest Practices Board. This report contains information on the affairs of the Board for the period January 1, 2004, to March 31, 2005.

Yours sincerely,

Bruce Fraser, Ph.D
FOREST PRACTICES BOARD CHAIR

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# MESSAGE FROM THE CHAIR

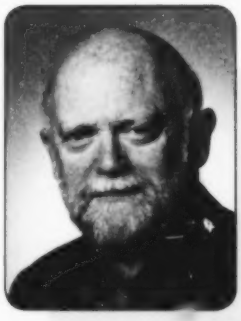
## Celebrating 10 Years as BC's Independent Forestry Watchdog

On March 1, 2005, the Forest Practices Board celebrated its tenth anniversary. A gathering of past and present staff and Board members, and others integral to the establishment of the Board, reflected on the political and forestry climate that inspired the creation of the Board under the Forest Practices Code, and the work that has been done since to establish and build the organization.

In 1995, the Board was charged with assessing how well the forestry community was implementing the Code and reporting its findings directly to the public. Under the leadership of the first Board Chair, Keith Moore, processes for auditing forest practices and investigating public complaints had to be developed from scratch. A globally unique agency, the Board had to find a balance between criticism of inadequate practices and fair due process for those investigated and audited. It had to develop working methods that could stand up to professional scrutiny and legal challenges, while reporting results in layman's terms. It was a tremendous amount of work that took a number of years to fully achieve.

Six years later, Keith Moore's organizational legacy was passed on to Bill Cafferata, the Board's second chair. At this point, forest certification was emerging, and the new *Forest and Range Practices Act (FRPA)* was in the works. Industry was beginning to develop sustainable forest management plans and environmental organizations were influencing large forest product customers to demand higher standards of environmental performance from their suppliers. At the same time, significant cuts were being made to government programs and organizations as part of the government's Core Review process. Under Bill Cafferata's leadership, the importance of the Board's unique role was articulated and acknowledged, and the Board was continued as a fundamental component of the new legislative regime.

Now in its tenth year of operation, the Board is well into making the transition from assessing compliance with a prescriptive Code to assessing the effectiveness of practices in meeting resource value objectives. In the fall of 2004, the provincial government expanded the Board's membership from 5 to 8 members and provided for a 10% lift in the Board's base budget. This was done to meet this growing legislative complexity, to better represent the diversity of the province and to increase capacity to address such issues as the unprecedented mountain pine beetle infestation.



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Bruce Fraser, Ph.D. Forest Practices Board Chair

## Making the Transition to FRPA

The ongoing transition from the Forest Practices Code to the Forest and Range Practices Act requires us to move from assessing whether or not forest practices were compliant with the detailed prescriptions of the Code, to assessing their effectiveness in meeting standards and objectives for resource values set by government.

As discussed in last year's annual report, this new approach demands additional tools, such as criteria and indicators that can measure how well resource value objectives and standards are being achieved. We are continuing to test prototype criteria and indicators, developed by specialist teams in the Ministry of Forests, for forest resource values defined in FRPA. To date, we have conducted four such audits: two for riparian values, one for soils, and one for visual values. We are working on a fifth audit, which will test new criteria and indicators for biodiversity—probably the most difficult forest value to address. This work is being done collaboratively with Canfor on TFL 37 on Vancouver Island.

Our approach to these early evaluations is experimental, open-minded, and collaborative with both criterion developers and the audited licensees. We have been careful to discuss the process, the criteria and indicators sets, the audit methodology, and the audit results with the licensees to determine how well this whole chain has worked. These discussions have had the added benefit of exploring how to improve practices in the face of real-world situations.

The new approach, relying on professionals to achieve well-defined results, again raises the importance of scientifically objective means of assessing actual performance. In the results-based world of FRPA, compliance and effectiveness merge —compliance is achieving the objectives effectively and the Board is the independent check on the adequacy of results.

The Ministry of Forests is not the only organization developing criteria and indicators. The Canadian Council of Forest Ministers, the Sustainable Forest Management Network and various certification schemes have also been developing new, and refining existing, criteria and indicators. As a result, in 2004 the Board facilitated work by the Forest Research and Extension Partnership (FORREX) to discuss how to bring this diverse array of creators and users of indicators together to look for common ground. The vision is that all parties in our province would agree to a consistent core set of indicators, which would enable forest practice evaluations to be reasonably compared and consistently reported to the public.

## Addressing Public Concerns in Board Work

In addition to the regular work of audits and complaint investigations, the past year saw the Board address major public issues of continuing concern. Forest practices surrounding management of the mountain pine beetle epidemic is one such concern. Rehabilitation of forest fire fighting impacts on forest land is another. Public concern with threatened species has been reflected in recent Board reports on mountain caribou, marbled murrelets, and mountain goats. The diversity of reports we issued in the past year has also illustrated our even-handed approach—giving praise when earned and equally criticizing and recommending improvement when warranted.

Ongoing work also focuses on issues of public concern. The Board will release reports in 2005 that address: management of forest health, fuels, and wildfire, and the implications for long term ecosystem health; management of landslides; and the current status of road access management planning. Other projects in the works will look at: continued success in achieving free-growing stands, following up on a report we issued in 2003; the effects of forest practices on community water supply and quality; and timber harvesting in the non-contributing land base.

## Looking to the Future

In the longer term, the Board will be looking to examine forest practices involving variable retention, simulation of natural disturbance regimes, and ecosystem based management, as these approaches are developed and integrated into forest stewardship plans.

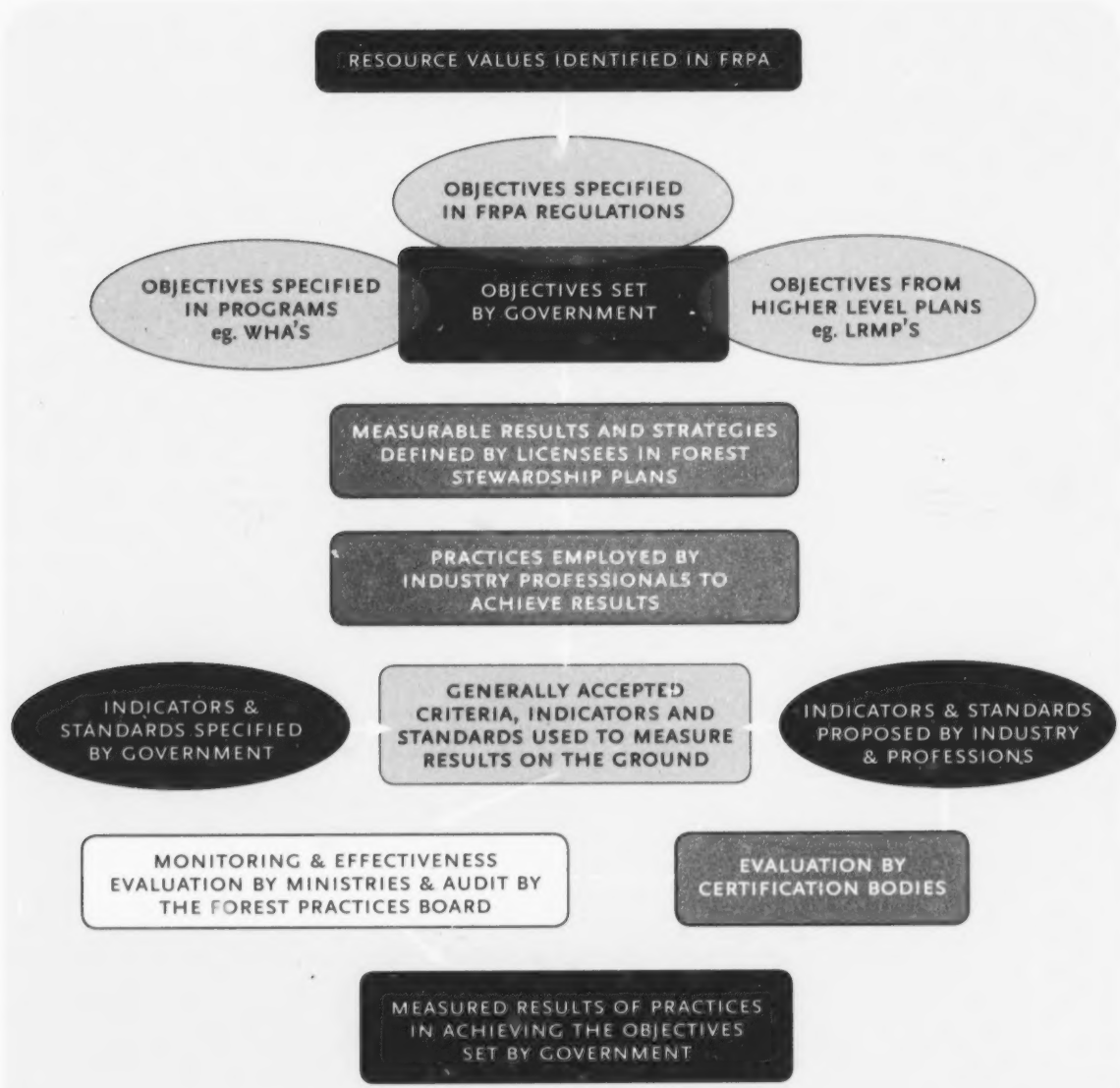
A second long-term interest of the Board will be to assess the progress of forest practices from pre-Code, through the Code period, to the FRPA environment. This will involve looking at the trends established within our published results from the past, and comparing them with the results emerging over the next few years.

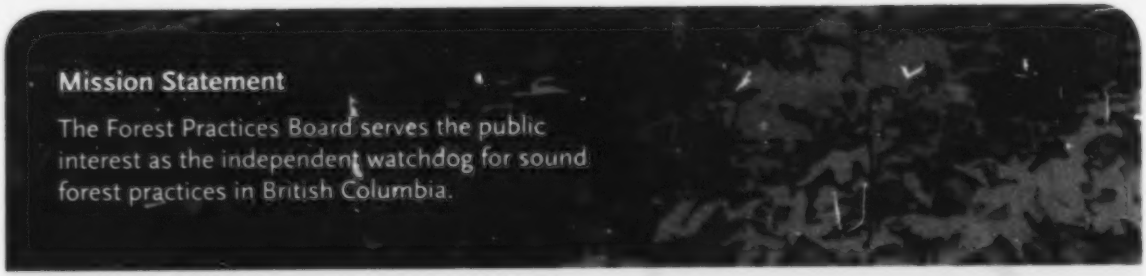
There are also a number of immediate and medium term concerns that the Board will pay particular attention to:

- The increasing number of smaller licensees with limited capacity to address stewardship obligations
- Emergence of BCTS as a major licensee operating in areas of high potential, multi-resource conflicts
- Cumulative impacts of multiple resource developments on forest values arising from overlapping resource tenures and the lack of coordinated regulatory approaches
- Implications of a warming climate and the associated fire and pest disturbances to forest practices and future forest conditions
- Collaboration with First Nations in establishing practice standards consistent with their values and employing these in branding of products coming from forests managed to such standards
- Reflection of the urgent context for forestry dependent communities to diversify their economic base through non-timber forest products—looking at the ecosystem services of the whole forest as the asset base for sustainable economic development

In the face of all these constantly changing conditions and emerging issues, the Board's ultimate challenge remains the same. Our task is to provide the public with an objective and independent assessment of the state of forest practices in the province, and to contribute to the ongoing improvement and sustainability of those practices.

ROLE OF G 'NERALLY ACCEPTED INDICATORS IN
A RESULTS & PROFESSIONAL RELIANCE BASED ENVIRONMENT


RESOURCE VALUES IDENTIFIED IN FRPA
OBJECTIVES SPECIFIED IN FRPA REGULATIONS
OBJECTIVES SPECIFIED IN PROGRAMS eg. WHA'S
OBJECTIVES SET BY GOVERNMENT
OBJECTIVES FROM HIGHER LEVEL PLANS eg. LRMP'S
MEASURABLE RESULTS AND STRATEGIES DEFINED BY LICENSEES IN FOREST STEWARDSHIP PLANS
PRACTICES EMPLOYED BY INDUSTRY PROFESSIONALS TO ACHIEVE RESULTS
INDICATORS & STANDARDS SPECIFIED BY GOVERNMENT
GENERALLY ACCEPTED CRITERIA, INDICATORS AND STANDARDS USED TO MEASURE RESULTS ON THE GROUND
INDICATORS & STANDARDS PROPOSED BY INDUSTRY & PROFESSIONS
MONITORING & EFFECTIVENESS EVALUATION BY MINISTRIES & AUDIT BY THE FOREST PRACTICES BOARD
EVALUATION BY CERTIFICATION BODIES
MEASURED RESULTS OF PRACTICES IN ACHIEVING THE OBJECTIVES SET BY GOVERNMENT



### Mission Statement

The Forest Practices Board serves the public interest as the independent watchdog for sound forest practices in British Columbia.

### Fundamental Purpose

In fulfilling its mission, the Board encourages:

- sound forest practices that warrant public confidence;
- fair and equitable application of the *Forest and Range Practices Act*; and
- continuing improvements in forest practices.

### Mandate

The Board's main roles under the *Forest and Range Practices Act* are:

- Auditing forest practices of government and licence holders on public lands.
- Auditing government enforcement of FRPA.
- Investigating public complaints.
- Undertaking special investigations of forestry issues.
- Participating in administrative appeals.
- Providing reports on board activities, findings and recommendations.

### Values and Guiding Principles

The Board applies certain guiding principles, reflecting key organizational values, as a guide to day-to-day practices and operations. The Board:

- acts on behalf of the public's interest, not those of any single group;
- is straightforward in its approach;
- emphasizes solutions over assigning blame;
- behaves in a non-adversarial, balanced manner;
- treats all people with respect, fairness and sensitivity;
- performs in a measured, unbiased and non-partisan manner;
- carries out its mandate with integrity and efficiency;
- provides clear and concise reports to the public;
- bases actions and decisions on knowledge, experience and common sense; and
- is accessible and accountable.

## Board Members and Staff

The appointed board members represent a broad range of expertise and experience in forestry and the environment from across the province. Board staff (including professional foresters, biologists, accountants and lawyers) conducts the audits, appeals and investigations and provides the results to the board, which makes recommendations for improvement.

The current Board consists of eight appointed members, including the chair. In 2004, five new board members were appointed and two were re-appointed. Liz Osborn left the Board after serving for 5 ½ years, including two years as vice-chair. Tyler Elm also left the Board in 2004, after serving for two years.

**Dr. Bruce Fraser, Chair. Victoria, BC.**
*Appointed November, 2003.*
Brings knowledge and 17 years of consultant experience in land use planning, community economic development, environmental policy development and resource conflict resolution. He has a PhD in plant ecology.

**Geoffrey S. Battersby, MD. Vice-Chair, Revelstoke, BC.**
*Appointed October, 2004.*
Chair of the Revelstoke Community Forest Corp. since its inception in 1993. He has also served almost 15 years in elected office – 10 as mayor of Revelstoke. He received a British Columbia Community Achievement Award in 2004.

**Mark Haddock, Langley, BC.**
*Appointed October, 2004*
*(previously on the Board from 1999 - 2001).*
An environmental lawyer who has worked with West Coast Environmental Law (WCEL), Sierra Legal Defence Fund, and in private practice. He wrote the Citizen's Guide to Forest Land Use Planning for WCEL.

**Fred Lowenberger, Coquitlam, BC.**
*Re-appointed October, 2004.*
A registered professional forester who began his career in the forest industry in 1962. He has a master of forestry degree from the University of British Columbia. A former vice-president of International Forest Products, he left the company in 2002 to become a consultant to industry, government and academia.

**David Mannix, Nanaimo, BC.**
*Re-appointed October, 2004.*
Forestry co-ordinator for the Snuneymuxw First Nation. He has piloted non-timber forest product projects, started a log home building operation, and helped develop the Forest Stewardship Council's regional certification standards for BC in 2001-2002. He participates in public consultation processes, and is a member of the board of the Mid-Island Science, Technology and Innovation Council.

**Dr. Darcy Mitchell, Victoria, BC.**
*Appointed October, 2004.*
Director of the Centre for Non-Timber Resources at Royal Roads University. She has taught at universities, was principal of Mitchell Consulting Associates for 15 years, and spent 10 years in senior positions with the Saskatchewan government. She has a Ph.D. in public administration.

**Barbara Shirley, Chetwynd, BC.**
*Appointed October, 2004.*
Mayor of Chetwynd from 1993 to 1996 and has served as the president of the Chetwynd Chamber of Commerce. She sits on the board of Northern Lights College and is a past lay board member of the Association of British Columbia Forest Professionals.

**Guenter Stahl, Coquitlam, BC.**
*Appointed November, 2004.*
Employed with the Ministry of Forests from 1967 to 2001. He worked with community, industry and environmental leaders to form the Bulkley Valley Community Resources Board, and helped oversee the introduction and implementation of the Forest Practices Code and results-based code pilot projects.

## Budget and Expenditures

Forest Practices Board Annual Report 2004-05
Expenditures and Budget - January 1, 2004, to March 31, 2005 (15 months) Unaudited Information

| | | OPERATIONAL EXPENDITURES | | | | | |
|---|---|---|---|---|---|---|---|
| | BOARD MEMBERS & EXECUTIVE | COMPLAINT INVESTIGATIONS | AUDITS | REVIEWS & APPEALS | SPECIAL PROJECTS/ COMMUNICATIONS | ADMINISTRATIVE EXPENDITURES | TOTAL |
| Total Salaries and Benefits | 335,750 | 645,289 | 774,812 | 259,018 | 365,525 | 300,663 | 2,681,057 |
| Total Operating Costs | 473,680 | 85,791 | 563,941 | 23,641 | 243,045 | 572,670 | 1,962,768 |
| Total Capital Expenditures | 0 | 0 | 0 | 0 | 0 | 138,304 | 138,304 |
| Total Expenditures | 809,430 | 731,080 | 1,338,753 | 282,659 | 608,570 | 1,011,637 | 4,782,129 |
| Budget (annual report period) | | | | | | | 4,491,283 |
| Budget 2005/06 | | | | | | | 3,607,000 |

NOTES:

1. The 15 months, ending March 31, 2005, combine the last three months of fiscal year 2003/2004 (January to March) and the entire fiscal year 2004/05 (April to March).
2. The Board's budget for the 15 months reported was $4,491,283. This is the amount accounted for by that portion of the ***calendarized*** appropriation from fiscal year 2003/2004 (January to March 2004) of $1,074,283 (operations and capital), and the entire appropriation for fiscal 2004/2005 of $3,417,000 (operations and capital). During the period, the Board's expenditures totaled $4,782,129. The apparent overexpenditure is a result of the calendarization of the budget between period. In any given year, the Board's expenditures were within its appropriated funding.
3. Board members and executive expenditures cover those of the Chair of the Board, the part-time Board members, those associated with the office of the Executive Director, and those of staff providing direct support to the Board members.
4. Reviews and Appeals expenditures cover legal advice on all files of the Board.

## Changes to Legislation

In the period covered by this Annual Report there were a number of legislative changes affecting the Board. These included changes to the *Forest and Range Practices Act*, as well as several new statutes —the *Wildfire Act*, the *Private Managed Forest Land Act*, and the *Administrative Tribunals Act*.

The *Forest and Range Practices Act (FRPA)* came into effect on January 31, 2004, replacing most of the Forest Practices Code. Amendments to FRPA in May 2004 continued the Board's ability to audit and investigate complaints about practices that took place under the Forest Practices Code before FRPA came into effect. The amendments also provided the Board with continued jurisdiction to request an administrative review of the approval of a forest

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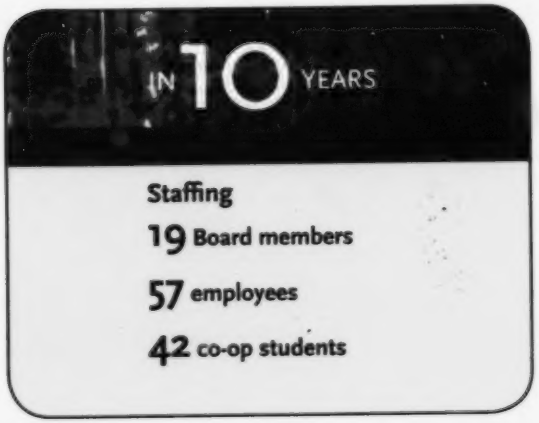
development plan. This was important because new forest development plans and amendments can still be submitted during the FRPA transition period.

A new *Wildfire Act* was passed in 2004, replacing the fire prevention and suppression provisions of the Forest Practices Code. The Board's jurisdiction with respect to these matters is maintained in the new act. The act came into effect on March 31, 2005.

The *Private Managed Forest Land Act* came into effect in 2004. The act establishes the Private Managed Forest Land Council. The purpose of the council is to encourage forest management practices on private managed forest land (about half of all private forest land in BC), taking into account the social, environmental and economic benefits of those practices. The minister responsible for the act may order the Forest Practices Board or another auditor to audit the performance of the council in performing its functions under the act.




Several changes affecting the Board arose from a government-wide review of administrative justice. The Board is not a statutory tribunal in the usual sense because it does not decide legal rights. However, some of the same considerations apply. Some of the changes were included in *Administrative Tribunals Act* while others were in FRPA.

Highlights include:

- members of the Forest Practices Board (together with members of other tribunals) must perform their duties "faithfully, honestly and impartially"
- the Forest Practices Board has no jurisdiction over constitutional questions
- Board members and staff who conduct a dispute resolution process must not be required to testify in court or produce evidence—except in the case of a criminal proceeding.
- Board members and other officers of the Board who conduct audits, special investigations, complaint investigations or dispute resolution have protection from lawsuits arising in connection with the performance of duties under FRPA.
- The Board may order a person to attend a hearing—oral or electronic—and may apply to court to enforce the order if necessary.
- The Board may apply to court to have a person committed for contempt if they fail to attend a hearing, answer questions or produce records in their custody or possession.

# HIGHLIGHTS FOR 2004/05

**Non-Timber Forest Products (May 2004)**

In 2004, the Board tackled a new topic with a special report on *Integrating Non-Timber Forest Products into Forest Planning and Practices in British Columbia*. Also known as non-wood forest products or botanical forest products, Non-Timber Forest Products (NTFPs) include over 200 species of plants and fungi across BC, such as wild edible mushrooms, medicinal and pharmaceutical products, wild berries, and other products such as honey. The report looked at the relationship between these resources and forest practices, searching for ways to integrate and improve forest management.

Forests provide many more benefits than just timber. NTFPs are a valuable resource, poised to make a significant economic contribution to small, resource-based communities. The sector is estimated to be about the size of the aquaculture industry yet, aside from the dollar value, NTFPs are also central to many cultural traditions and local livelihoods, and are important ecologically. Despite this, NTFPs have, to date, received little public policy attention.

The Board had dealt previously with complaints that touched on the subject of NTFPs and, in the late 1990s, advised government to enact a botanical forest products regulation. That recommendation was never implemented. Part of this report's intent was to increase awareness of this little known sector and determine where government action would be best directed.

To produce the report, the Board partnered with the Centre for Non-Timber Resources at Royal Roads University. As the Centre's director and Board member, Darcy Mitchell notes, "NTFPs offer a field where 'environment' is not at war with 'economy',

and where many users and uses are compatible." Furthering this sentiment, the Board's report revealed many mutually beneficial opportunities for collaboration and the potential to build relationships between NTFP harvesters, First Nations, government, and industry involved in forestry practices and planning.

**Reconciling NTFPs with forestry planning and practices is both possible and desirable.**

Significant opportunity for NTFP development exists but, for this to be realized, we need better baseline data, scientific information on sustainable management, and regulation to ensure sustainable harvest rates and compatibility with other forest uses. Issues such as timber harvesting impacts, establishing access rights and appropriate harvesting practices, and the equal and fair distribution of NTFPs must be addressed. The Board's report concluded with recommendations to government to address these gaps and challenges.

Full integration is still a far-off reality, but the Board's research found many promising examples of innovative approaches, which illustrates how reconciling NTFPs with forestry planning and practices is both possible and desirable. Another positive outcome of the Board's report was increased awareness and discussion about the significant potential and challenges involved with NTFPs.

The report was well received and generated speaking opportunities and media attention throughout the province. A growing trend in both formal and informal NTFP dialogue, partly as a result of the report, is encouraging and will help to promote a sustainable NTFP sector and address the cumulative impacts of human activity and pressures on Crown land. However, government has yet to specifically address the Board's recommendations for concrete policy action.

Moving into the future, the NTFP sector can foster integrated landscape-level resource management that is inclusive of stakeholders. Under new forestry legislation, 'cultural heritage resources' are a defined value that now requires consideration. This provides a new opportunity to bring NTFPs into government

and industry's forestry planning, and give due consideration to First Nations interests.

Through its report, follow up on its recommendations to government, and continued efforts to promote an integrated approach to forestry, the Board hopes that the multiple values of BC's forests will be increasingly realized through sustainable management.

### Evaluating Mountain Pine Beetle Management in British Columbia (August 2004)

The Board prepared a special report on mountain pine beetle (MPB) management, due to the scale of the epidemic and the potential impact of the infestation and associated harvesting on forest health, the environment, and the economic prospects of forest-dependent communities.

The report focused on:

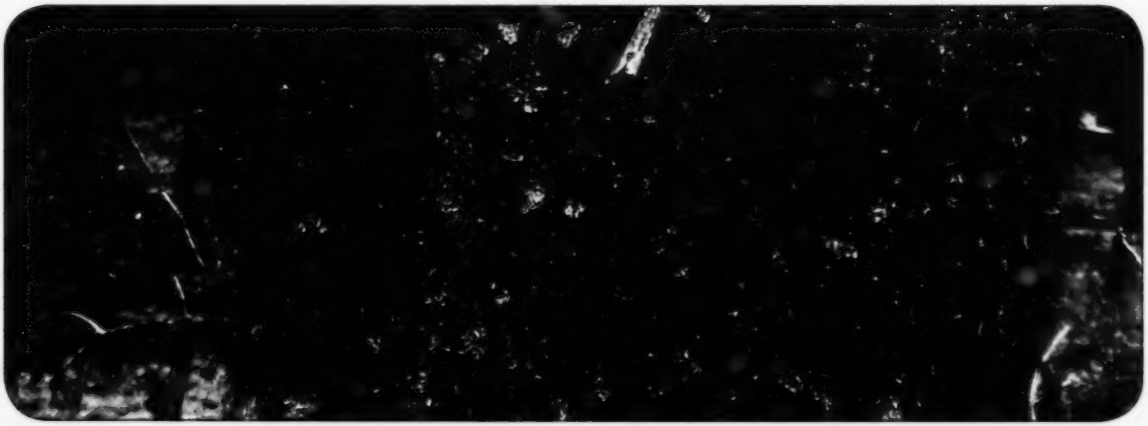
- compliance with the Forest Practices Code;
- effectiveness of the forest health program in addressing the MPB epidemic and recovering timber losses; and
- effectiveness of practices in protecting key environmental values.

The Board conducted field investigations in three landscape units, in two forest districts; a compliance audit in the Hallet landscape unit in the Vanderhoof Forest District; and effectiveness investigations in the Cheslatta and Burns Lake East landscape units in the Nadina Forest District.

The audit found the licensees in the Hallet landscape unit to be in compliance, in all significant respects, with the Code's requirements.

**Actual beetle management performed at least as well as most of the alternative management strategies.**

The Board tested the effectiveness of the MPB harvesting strategy in achieving forest health objectives, slowing the infestation and meeting timber objectives using a computer simulation model. The goal was to assess the harvesting that



actually occurred in Cheslatta and Burns Lake East landscape units between 1997 and 2003 relative to other plausible management strategies. The study found that actual beetle management performed at least as well as most of the alternative management strategies. It was reasonably effective in protecting forest health against the outbreak and maintaining timber values over the period concerned, given the scale of the outbreak. However, a 'trailing edge' strategy—focusing on areas with high levels of salvageable timber—may be more appropriate in conditions where the outbreak exceeds current harvest levels, as it appears to be highly effective in terms of maximizing salvage and reducing MPB populations.

The Board also evaluated effectiveness in maintaining environmental values at the landscape scale by examining the age classes of the remaining forest, the areas of patches of even-aged forest and the clearcut area for all watersheds in the Cheslatta and Burns Lake East landscape units. Analyses indicate that, for the most part, harvesting over the last 20 years has not altered seral distribution from recommended levels. The risk of high peak flow in streams was not found to be a common problem in 2004. However, if the intensity of the infestation continues and is followed by an aggressive salvage program, there is a risk that increased peak flows could become very high. Future salvage harvests should plan to retain non-pine stands, younger age pine stands, and uninfested older pine, to moderate hydrological impacts.

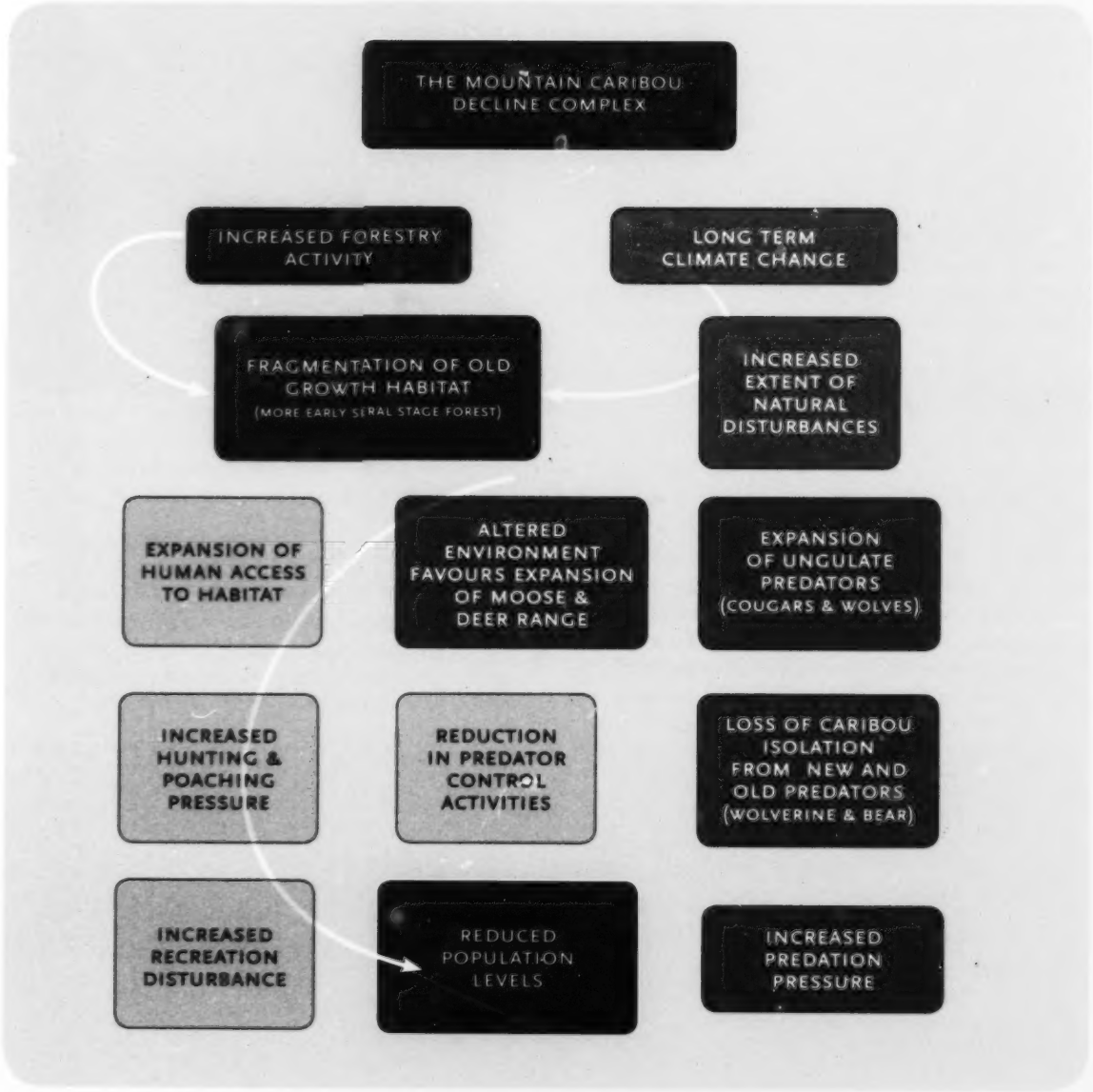
Finally, the Board evaluated effectiveness in achieving environmental values at the site level by using criteria and indicators to examine objectives for soil, riparian, stand-level biodiversity, and future forest values. For all four values, no significant difference was found between the environmental

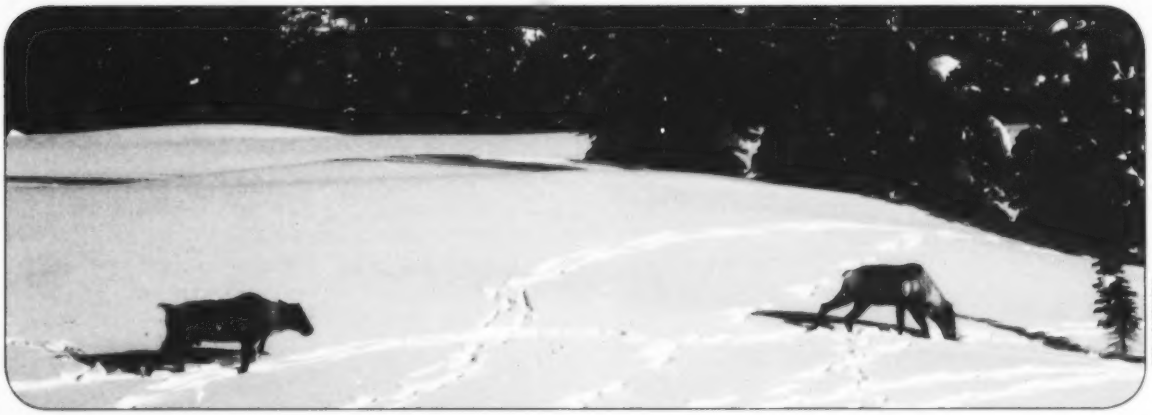
impact of cutblocks harvested under the standard Code rules and those harvested under the *Bark Beetle Regulation*, despite its lack of administrative requirements.

These observations were made prior to the launch of a large-scale salvage program in the Lakes, Prince George and Quesnel Timber Supply Areas. The salvage strategy must address reforestation, areas of retained forest, maintenance of riparian forest and wildlife tree patches, and employ best management practices to maintain this encouraging environmental record.

### Conserving Mountain Caribou (Sept. 2004)

One of the most high-profile special reports issued by the Board in 2004/2005 was entitled *BC's Mountain Caribou: Last Chance for Conservation?* The report was published in September 2004, after months of literature analysis and consultation with wildlife scientists, local recovery teams, government agencies, and environmental organizations. These consultations helped ensure the report


THE MOUNTAIN CARIBOU DECLINE COMPLEX
INCREASED FORESTRY ACTIVITY
LONG TERM CLIMATE CHANGE
FRAGMENTATION OF OLD GROWTH HABITAT
(MORE EARLY SERAL STAGE FOREST)
INCREASED EXTENT OF NATURAL DISTURBANCES
EXPANSION OF HUMAN ACCESS TO HABITAT
ALTERED ENVIRONMENT FAVOURS EXPANSION OF MOOSE & DEER RANGE
EXPANSION OF UNGULATE PREDATORS (COUGARS & WOLVES)
INCREASED HUNTING & POACHING PRESSURE
REDUCTION IN PREDATOR CONTROL ACTIVITIES
LOSS OF CARIBOU ISOLATION FROM NEW AND OLD PREDATORS (WOLVERINE & BEAR)
INCREASED RECREATION DISTURBANCE
REDUCED POPULATION LEVELS
INCREASED PREDATION PRESSURE



recommendations were practical, achievable, and consistent with the current realities of mountain caribou conservation efforts in British Columbia.

The world's population of mountain caribou occurs almost exclusively in BC. A census in 2002 determined that about 1,900 mountain caribou occur in BC in 13 isolated populations, scattered from the Kootenays north to Prince George. Mountain caribou are designated as "threatened" across Canada. Threatened status means that action is required to improve caribou survival in order to avoid extinction.

Forest harvesting activities are among the many pressures on mountain caribou and their habitat. Mountain caribou need older trees to both provide suitable habitat and supply sufficient food supply to last the entire year. Large tracts of high-elevation forest are important year-round for caribou to avoid predators. Predation is the most frequent identifiable cause of mountain caribou mortality; cougar, wolves, bears, and wolverine are common predators.

The report focuses on the cumulative impact of forest practices and a number of related factors on the viability of BC's mountain caribou. The population has been declining in recent years, dropping 17 per cent between 1996 and 2002. The decline is due in part to increased logging and road-building activity, but also to numerous other factors, including high levels of predation, increased backcountry recreation, and climate change.

**The population has been declining... due in part to increased logging and road-building activity, but also to numerous other factors, including high levels of predation, increased backcountry recreation, and climate change.**

Despite a 2002 recovery strategy and years of efforts by local caribou recovery groups, the overall provincial mountain caribou recovery effort remains uncoordinated and lacks sufficient resources to be truly effective. No local action plans were complete by the time the report was released; even when complete, the plans will not be binding on government agencies or forest companies, unless they are incorporated into government legislation and regulations.

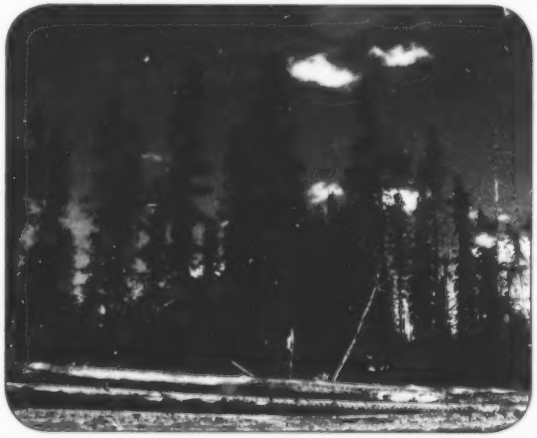
A transmittal letter attached to the report made recommendations in two key areas: immediate investments in recovery action plans, research, and on-the-ground actions to implement more effective conservation efforts; and stronger provincial co-ordination to ensure that government's intent for mountain caribou conservation is understood, and implemented, by all resource agencies and forest managers dealing with mountain caribou herds.

The recommendations stressed the need for quick action on caribou recovery to deal with the immediate threat to the viability of the vulnerable mountain caribou population. They were developed in discussions with government agencies, industry representatives, and environmental organizations, and reflect the on-the-ground strategies currently underway to conserve mountain caribou.

The Board is encouraged by recent indications from government, which point towards better coordination and research efforts, collaboration with industry and recreation interests to accommodate mountain caribou conservation and increased resources for recovery efforts. The Board will monitor these developments closely through its ongoing program of independent audits and investigations over the coming years.

### Nadina Beetle Treatments (November 2004)

The Board investigated a complaint from a resident in Northwestern BC, that the Ministry of Forests had used an arsenic-based pesticide to control bark beetles in the Nadina Forest District. She was concerned that the arsenic compounds in the pesticide, monosodium methanearsonate (MSMA), could spread to animals and humans, causing damage to the environment. Of more direct concern, she believed that MSMA had been



used near private property, including within several hundred yards of her home. She believed that this was contrary to what government had said in public advertisements about MSMA use. Her third concern was that the ministry did not seem to be adequately tracking where MSMA had been used, resulting in the harvesting and milling of treated trees. She was concerned that this processing, plus burning of waste wood from treated trees, could cause mill workers and the general public to come into contact with arsenical compounds.

The investigation found that the arsenic treatments complied with forest practices legislation, and other legislation that is in place, which is better suited to regulate the use of pesticides in forests.

However, the Board confirmed that the Ministry of Forests had used misleading language in its advertisement, leading the public to believe that MSMA would not be used near private property or in any area readily accessible to the public. In fact, MSMA had been used near the complainant's home. In addition, the Board confirmed that the locations of treated trees were not well recorded and treated trees had indeed been harvested and milled, often within a year of treatment. That meant that workers and others were subject to an increased risk of exposure to MSMA. Generally, all of the complainant's concerns were corroborated by the Board.

As a result of the investigation, the Board made recommendations to ensure that tracking procedures are significantly improved and that the public is fully and accurately informed about arsenic treatments in their area. At the time the report was published, the Nadina Forest District had already acted on many of the concerns identified in the report. The Board asked government to report back on its recommendations to make sure that appropriate procedures for arsenic treatments are applied throughout the province.

In addition, because of new and recent scientific information that some of the arsenic compounds in MSMA would change to compounds that were quite dangerous, the Board recommended that the Ministry of Water, Land and Air Protection carefully re-assess the risk that MSMA might do damage to humans as well as to the environment. This is especially important given that MSMA was being used near human habitation and that MSMA-treated trees were subsequently logged and milled within a year.

### Post-fire Site Rehabilitation Special Investigation (Feb 2005)

Most British Columbians are aware of the provincial government's role in fighting forest fires following the unprecedented fire season in 2003. Yet they may not know that significant work can be required to rehabilitate sites impacted by fire suppression activities, once the fires are out.

In light of the public profile and widespread impact of fire, the Board initiated a special investigation to determine whether:

- comprehensive and effective rehabilitation plans are prepared for every fire where required;
- *Forest Fire Prevention and Suppression Regulation* rehabilitation requirements are implemented in the field;
- rehabilitation treatments are effective in controlling water and erosion damage.

The investigation focused on repairing damage resulting from fire suppression—not the fire itself—as existing legislation only requires damage caused by fire fighting operations to be rehabilitated.

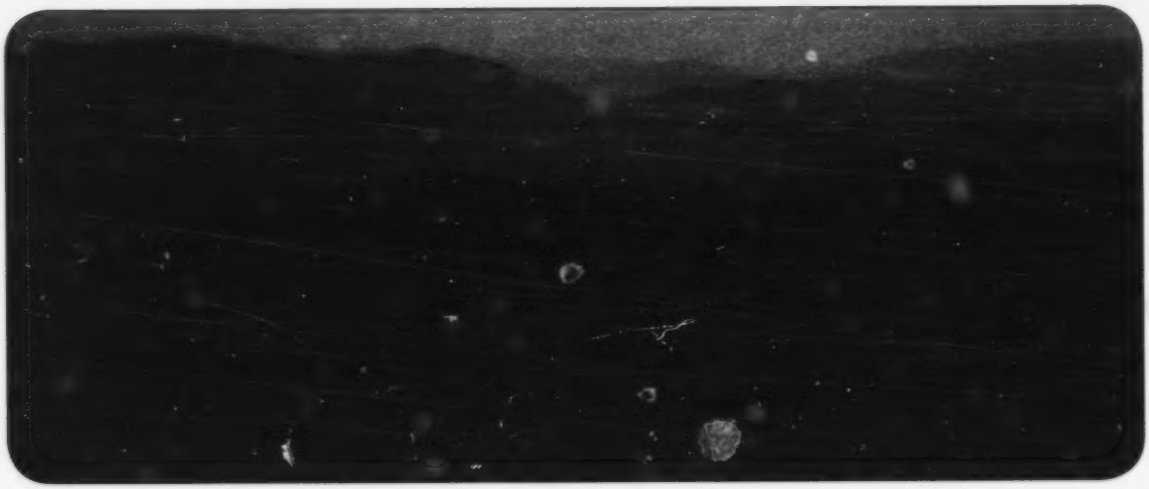
There were office and field components to the investigation. For the office component, the Board reviewed all fires larger than 250 hectares in the southern half of the province between 2000 and

Rehabilitation plans were implemented, and prescribed treatments were effective in maintaining natural drainage patterns and minimizing soil erosion.

2003. The purpose was to ascertain whether government had prepared the rehabilitation plans and to interview government staff to identify issues and challenges. We subsequently selected 12 fires for investigation on the ground. The sample reflected a range of fire types and sizes, and provided for geographic distribution. (Some fires were excluded from the sample because rehabilitation work was incomplete at the time of the site visits in the spring and summer of 2004.) The purpose was to establish whether rehabilitation plans were implemented and whether the treatments prescribed were effective.

The Board found the majority of plans (52 of 64) were prepared and submitted to the designated forest official in accordance with regulatory requirements. However, there were legitimate reasons for not submitting the remaining 12 plans within the required 10-day timeframe. We subsequently found rehabilitation plans were implemented, and prescribed treatments were effective in maintaining natural drainage patterns and minimizing soil erosion. The Board also commended all those involved with the rehabilitation of the fires.

Finally, the Board recommended some improvements to fire rehabilitation practices in order to protect forest values and attempt to avoid causing damage in the first place. These include: enhanced training for fire fighters to minimize damage from fire suppression; proactive planning before fire season to better co-ordinate fire response and identify sensitive areas ahead of time; and a review of the arbitrary requirement for rehabilitation plans to be submitted within 10 days.



To supplement this special investigation, the Board plans to examine the process and responsibilities for identifying and managing risks to life, infrastructure and forest resources following forest fires. We expect to begin this work in the summer of 2005.

### Stone Fire Case – Supreme Court of Canada

In June 2004, the Supreme Court of Canada published its decision in the Stone Fire appeal, concerning compensation for damage to the environment. The Forest Practices Board participated in the appeal as an intervener (see the Board's 2003 Annual Report).

This was an important opportunity for the Board to address an issue that was arising under the Forest Practices Code's administrative penalty system. The Board had participated in a number of administrative reviews and appeals to the Forest Appeals Commission to clarify that penalties should reflect both the loss of commercial and non-commercial public resource values as a result of Code infractions. This means that riparian habitat values, as well as land productivity for commercial timber, and other vegetation and wildlife, need to be considered. Establishing the degree of impact on water quality and fish habitat becomes important as well. The Crown should be compensated for destruction of all types of public resources, even those without traditional market value.

The Stone Fire appeal arose from a large forest fire that burned at Stone Creek, near Prince George. The fire damaged trees in a steep, environmentally-sensitive area bordering Stone Creek. This area was reserved from logging in order to protect other values such as fish habitat and drinking water quality.

The courts ruled that a forest company operating in the area was partly responsible for the fire. The company had burned logging debris the previous year and that fire smoldered over the winter and eventually escaped, causing the large fire. The appeal was not concerned with who was responsible; but with the principles of compensation for environmental loss and the requirements of proving environmental loss.

A significant issue in the appeal concerned compensation for damage to "non-market" environmental assets. These include wildlife, wildlife habitat, biodiversity, "ecosystem services" (such as the provision of clean water), recreational opportunities, and intrinsic values (such as the value of conserving forests for future generations). The Board argued that it is essential that compensation include compensation for non-market environmental assets.

The Court said that the Crown would be entitled to prove values for environmental harms not reflected in commercial value but had not done so in this case.

*"I accept in principle that in setting aside environmentally sensitive areas the Province concluded that the protected trees "had a greater value ... left standing than being cut." I also accept that the Crown should not be penalized for acting with "ecological and environmental sanity." On the contrary, "the fact that the owner of property does not desire to use it, or to use it to the best economic advantage, has not meant that its value is less than it would be in the hands of one who regarded it differently." (Reasons for judgment of Judge Binnie)*

Another important issue in the appeal was whether a specific statute was needed to authorize the courts to award environmental damages, or

whether the courts had this authority arising from the common law—for example, the law of negligence. The Court said that a statutory provision was not required:

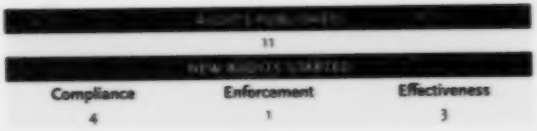
*"I do not accept that there is anything so peculiar about "environmental damages" as to disqualify them from consideration by the Court. The legislatures may choose to bring in a statutory regime to address environmental loss as was done in the United States' CERCLA mentioned earlier. The* Canadian Environmental Protection Act *. . . and the* Transportation of Dangerous Goods Act, 1992 *. . . authorize compensation to persons or to the relevant government department . . . However, there is no relevant legislation yet passed in British Columbia. That said, there is no reason to neglect the potential of the common law, if developed in a principled and incremental fashion, to assist in the realization of the fundamental value of environmental protection.*

The decision in the Stone Fire appeal is important to decision-makers considering environmental issues, because it gives legal recognition to the economic value of the environment.

The full decision can be found at www.lexum.umontreal.ca/csc-scc/en/pub/2004/vol2/html/2004scr2_0074.html

# CORE BUSINESS

## Audit Program




## Accomplishments in 2004/05

- The Board released the findings of 11 audits.
- In addition to the three audits that were started and completed in this time frame, the Board conducted five new audits, including: an audit of a BCTS operation in Chilcotin Forest District; three effectiveness audits for visual, riparian and biodiversity management systems involving 11 licensees; and an audit of government's compliance and enforcement activities in Fort St. James Forest District.

## Priorities for 2005/06

- As we stated last year, the structure of the *Forest and Range Practices Act* around 11 'key values' provides a good framework to work with in designing audits that will examine effectiveness of forest practices. The Board is encouraging development of generally accepted indicators of effectiveness for these key values, and will assist the efforts by field-testing the indicators through pilot effectiveness audits. To date, the Board has worked with indicators developed for soils, riparian and visual values. This year we plan to test criteria and indicators for biodiversity and water quality values.
- Developing the Board's own effectiveness auditing program and related manuals in preparation for this new approach to auditing forest practices.
- Focusing more audit effort on the many new small licences being awarded to communities and First Nations, and on the BC Timber Sales Program: all part of the redistribution of the 20 percent of the annual allowable cut that was taken back from major licensees.
- Reviewing the current audit approaches to improve efficiency and effectiveness of Board audits.

### IN 10 YEARS

**Audit Program**

**95 audits of compliance with forest practices legislation which includes examining:**

- **6,146 harvesting cutblocks**
- **2,986 kilometres of constructed road**
- **33,418 kilometres of maintained road**
- **1,923 kilometres of deactivated road**
- **189 bridges constructed**
- **2,377 bridges maintained**

**9 audits of the appropriateness of government enforcement of forest practices legislation**

**101 recommendations for improvement – 84 related to compliance and 17 related to enforcement**

## Audit Program

| AUDITS PUBLISHED | |
|---|---|
| 11 | |
| **NEW AUDITS STARTED** | |
| **Compliance** | **Enforcement** | **Effectiveness** |
| 4 | 1 | 3 |

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## IN 10 YEARS

### Analysis of Significant Non-Compliances by Activity

1995 - 2004 Compliance Audits

| | 1996[a] | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | TOTALS | PERCENTAGES |
|---|---|---|---|---|---|---|---|---|---|---|---|
| # of audits | 4 | 8 | 9 | 9 | 10 | 13[b] | 31[c] | 8 | 3[d] | 95 | |
| Operational Planning | 2 | | 1 | | | | | | | 3 | 5 % |
| Forest Health | 1 | 1 | 2 | | | | | | | 4 | 6.5 % |
| Harvesting | | 3 | | 1 | | | | | | 4 | 6.5 % |
| Windthrow Management | | 1 | | 1 | | | | | | 2 | 3 % |
| Riparian Management | 2 | 3 | 2 | | | 3 | | | | 10 | 16 % |
| Road Construction | 2 | 2 | | 3 | | | 1 | | | 8 | 13 % |
| Road Deactivation | | 4 | | | | | | | | 4 | 6.5 % |
| Road Maintenance | 3 | 3 | | | | 1 | 4 | | | 11 | 17.5 % |
| Bridge Construction | | 1 | 1 | 1 | | | | | | 3 | 5 % |
| Bridge Maintenance | | | | 2 | 1 | 1 | | 1 | | 5 | 8 % |
| Erosion Control | 2 | | | | | 1 | | | | 3 | 5 % |
| Silviculture | | | | | | 1 | 1 | 1 | | 3 | 5 % |
| Fire Protection | | | | 1 | | | | 1 | | 2 | 3 % |
| **Totals** | **12** | **18** | **6** | **9** | **1** | **7** | **6** | **3** | **0** | **62** | **100 %** |

(ENDNOTES:)

a. There were no audits completed in 1995, as the audit program was just being developed.

b. In 2001, the Board conducted 9 audits, however there were compliance audits for 5 separate licensees included within the Nisga'a audit report.

c. In 2002, the Board conducted 7 audits, however in 4 of those audits, there were compliance audits for 5 to 9 separate licensees included within the audit reports.

d. This is the number of compliance audits with field work completed in 2004 and the reports released by March 31, 2005.

## Complaint Investigation Program

| INVESTIGATIONS COMPLETED | AVERAGE DURATION |
|---|---|
| 9 | 11.8 months |
| PUBLIC CONCERNS ADDRESSED | NEW INVESTIGATIONS STARTED |
| 89 | 19 |

## Accomplishments in 2004/05

- The Board dealt with 89 concerns (where members of the public contacted the Board with a problem). Most were dealt with by asking the person to first try to resolve their concern by contacting the regulatory agency that deals with the matter, such as a local office of the Ministry of Forests or the Ministry of Water, Land and Air Protection. Many concerns dealt with matters that the Board has no authority to investigate. In those cases, the person was directed to an agency that did have jurisdiction, such as the Ombudsman.
- We initiated 19 complaint investigations; one was abandoned by the complainant and the remaining 18 proceeded.
- The Board published nine complaint investigation reports, with the time to complete complaint investigations averaging 11.8 months. Reports addressed impacts of forest practices on important plant and animal species, road maintenance, and use of arsenic in controlling mountain pine beetles.

## Priorities for 2005/06

- Continue to address concerns and complaints promptly upon receipt.
- Continue to shorten the duration of complaint investigations.
- Undertake a review of the efficiency and effectiveness of the Board's approach to investigation of public complaints.

IN 10 YEARS

**Complaint Investigation Program**

**123** **investigations of public complaints in 103 reports**

**649** **public concerns addressed**

**134** **recommendations for improvement**

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| Windthrow Management | | 1 | | 1 | | | | | | 2 | 3 % |
| Riparian Management | 2 | 3 | 2 | | | 3 | | | | 10 | 16 % |
| Road Construction | 2 | 2 | | 3 | | | 1 | | | 8 | 13 % |
| Road Deactivation | | 4 | | | | | | | | 4 | 6.5 % |
| Road Maintenance | 3 | 3 | | | | 1 | 4 | | | 11 | 17.5 % |
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| Silviculture | | | | | | 1 | 1 | 1 | | 3 | 5 % |
| Fire Protection | | | | 1 | | | | 1 | | 2 | 3 % |
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**Complaint Investigation Program**

**123** investigations of public complaints in 103 reports

**649** public concerns addressed

**134** recommendations for improvement

## Special Projects Program

| | |
|---|---|
| SPECIAL INVESTIGATIONS PUBLISHED | 3 |
| SPECIAL REPORTS PUBLISHED | 6 |
| NEW SPECIAL PROJECTS STARTED | 6 |

The Board has expanded its special projects program in order to better address issues of significant public interest that relate to forest practices, but are not examined through the Board's audit and complaint investigation programs. The results of this work became evident in 2004 and the early part of 2005, with the release of nine new reports, as well as the start of several new projects that will be completed in 2005.

### Accomplishments in 2004/05:

- The Board released four major reports discussed earlier in this annual report: *BC's Mountain Caribou – Last Chance for Conservation?*, *Evaluating Mountain Pine Beetle Management in British Columbia*, *Integrating Non-Timber Forest Products into Forest Planning and Practices in British Columbia*, and *Post-Fire Site Rehabilitation*
- *A Lack of Direction: Improving Marbled Murrelet Habitat Conservation under the Forest and Range Practices Act:* This report follows up on a 2003 special report, which raised concerns about the lack of government action to protect habitat for this threatened species of seabird. The report concludes that no progress has been made on the issue and in fact, more habitat has been logged since the first report came out.
- *Special Report on the Kemess South Mine Power Line Right-of-Way:* This report follows up on the implementation of recommendations the Board made in a 2000 special investigation report. Most of the Board's recommendations have been carried out. However, not all of the skid bridges along the power line were removed.
- *Implementation of Biodiversity Measures under the Forest Practices Code:* This report evaluated the implementation of the biodiversity strategy developed under the Forest Practices Code. It concludes that many of the administrative measures proposed in the strategy have been carried out, but the on-the-ground measures that are most important for conserving biodiversity have not been implemented.

**Special Projects Program**

**13** **special investigations of forest and range planning and practices**

**22** **special reports on forestry topics of public interest**

**55** **recommendations for improvement**

## Priorities for 2005/06

- Special investigation of the effectiveness of terrain stability and landslide management under the Forest Practices Code
- Special report on the current status of road access management planning in BC
- Special report on forest health, fuels and wildfire and the implications to ecosystem health
- Special report on the next 20,000 cutblocks due to achieve free-growing status. This report will update the results of the Board's 2003 special report on the first 6000 cutblocks due to achieve free growing.
- Special investigation of the Ministry of Forests' maintenance and inspections of bridges on forest service roads
- A special report on the new requirements for managing community water supply and quality
- A special investigation to examine the process and responsibilities for identifying and managing risks to life, infrastructure and forest resources following forest fires.

## Legal Appeals Program

IN 10 YEARS

**Legal Appeals Program**

**Participated in:**

**61 appeals before the Forest Appeals Commission (56 as a third party and 5 where we appealed the approval of an FDP)**

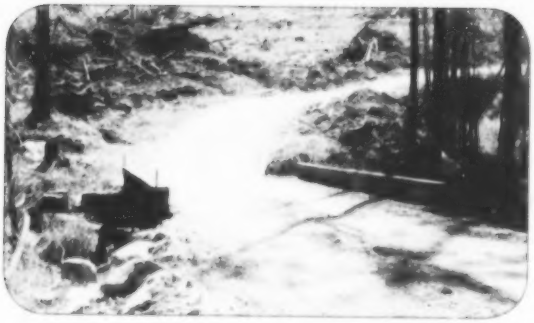
**3 appeals before the BC Supreme Court**

**1 appeal before the BC Court of Appeal**

**1 appeal before the Supreme Court of Canada**

## Accomplishments in 2004/05

- The Board reviewed 192 penalty determinations made by Ministry of Forests' district managers in 29 districts in BC, examining them for questionable logic or interpretations of the law.
- The Board took part in nine appeals, two of which originated from a non-government organization request.



## Special Projects Program

SPECIAL INVESTIGATIONS PUBLISHED
3

SPECIAL REPORTS PUBLISHED
6

NEW SPECIAL PROJECTS STARTED
6

The Board has expanded its special projects program in order to better address issues of significant public interest that relate to forest practices, but are not examined through the Board's audit and complaint investigation programs. The results of this work became evident in 2004 and the early part of 2005, with the release of nine new reports, as well as the start of several new projects that will be completed in 2005.

### Accomplishments in 2004/05:

- The Board released four major reports discussed earlier in this annual report: *BC's Mountain Caribou – Last Chance for Conservation?*, *Evaluating Mountain Pine Beetle Management in British Columbia*, *Integrating Non-Timber Forest Products into Forest Planning and Practices in British Columbia*, and *Post-Fire Site Rehabilitation*
- *A Lack of Direction: Improving Marbled Murrelet Habitat Conservation under the Forest and Range Practices Act*: This report follows up on a 2003 special report, which raised concerns about the lack of government action to protect habitat for this threatened species of seabird. The report concludes that no progress has been made on the issue and in fact, more habitat has been logged since the first report came out.
- *Special Report on the Kemess South Mine Power Line Right-of-Way*: This report follows up on the implementation of recommendations the Board made in a 2000 special investigation report. Most of the Board's recommendations have been carried out. However, not all of the skid bridges along the power line were removed.
- *Implementation of Biodiversity Measures under the Forest Practices Code*: This report evaluated the implementation of the biodiversity strategy developed under the Forest Practices Code. It concludes that many of the administrative measures proposed in the strategy have been carried out, but the on-the-ground measures that are most important for conserving biodiversity have not been implemented.

### Special Projects Program

**13** special investigations of forest and range planning and practices

**22** special reports on forestry topics of public interest

**55** recommendations for improvement

## Priorities for 2005/06

- Special investigation of the effectiveness of terrain stability and landslide management under the Forest Practices Code
- Special report on the current status of road access management planning in BC
- Special report on forest health, fuels and wildfire and the implications to ecosystem health
- Special report on the next 20,000 cutblocks due to achieve free-growing status. This report will update the results of the Board's 2003 special report on the first 6000 cutblocks due to achieve free growing.
- Special investigation of the Ministry of Forests' maintenance and inspections of bridges on forest service roads
- A special report on the new requirements for managing community water supply and quality
- A special investigation to examine the process and responsibilities for identifying and managing risks to life, infrastructure and forest resources following forest fires.

## Legal Appeals Program

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- Of the nine appeals, the Board is awaiting decisions of the Forest Appeals Commission in five cases. Two cases settled before hearing, on terms satisfactory to the Board. The Commission's decision matched the Board's position in two cases.

## Priorities in 2005/06

- Continue to monitor determinations made by district managers to watch for trends or patterns that may warrant appealing, in particular those involving the defences of due diligence, officially induced error, and mistake of fact.
- Participate in appeals at determinations that raise significant terms and phrases in the new legislation, such as interpretation of 'consistency', 'unduly reducing timber supply', 'material adverse effect' and 'measurability'.
- Consider appealing determinations that do not put appropriate weight on damage to the environment in assessing penalties for contraventions, or that indicate inappropriate government enforcement of forest and range practices legislation.
- Participate in appeals that may define the scope of professional reliance.

## Communications Program

| REPORTS PUBLISHED | ELECTRONIC BULLETINS PUBLISHED |
|---|---|
| 29 | 3 |
| **NEWS RELEASES ISSUED** | **MEDIA STORIES** |
| 38 | 113 |

## Accomplishments in 2004/05

- The Board issued 38 news releases announcing new audits and new report releases.
- The Board produced a total of 29 publications, including: 11 audit reports, 9 complaint investigation reports, 6 special reports and 3 special investigation reports.
- In 2004, external media attention to the Board increased 47 percent over the previous year. News stories provided effective communication of Board activities and findings to the public, and reflected the Board's stronger focus on addressing issues of interest to the public.
- In May 2004, the Board co-hosted a speaking event with Royal Roads University, featuring the public release of a special report on non-timber forest products.
- To stimulate and inform ongoing debate around forest stewardship and the transition to the new results-based regime, the Board continued its series of electronic bulletins, publishing three new bulletins on its website: *Opportunity for Public Consultation under the Forest and Range Practices Act*, *Summary of Findings from the 2003 Audit Season* and *The Forest Practices Board and FRPA*.
- The Board updated its website to reflect recent changes in forest practices legislation, eliminate dated material, and make the site more user-friendly. Over this reporting period, the Board received over 32,600 visits to the website. Canada,

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| | |
|---|---|
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the United States, the United Kingdom, Korea and Japan were the top five countries of origin. The most popular reports were *Integrating Non-Timber Forest Products into Forest Planning and Practices in British Columbia*, *Implementation of Biodiversity Measures under the Forest Practices Code*, *BC's Mountain Caribou: Last Chance for Conservation?*, and *Evaluating Mountain Pine Beetle Management in British Columbia*, in that order.

- The Board chair and staff made presentations at 13 conferences and workshops, and were guest speakers at the University of Victoria and the University of Northern BC. In 2005, the Board had a display at the Truck Loggers Association Trade Show and Convention and the Association of British Columbia Forest Professionals Annual General Meeting to raise professional awareness of the impact of changing legislation on forest practices.

## Priorities for 2005/06

- Continue to publish clear, concise and understandable reports that are easily accessible by the public.
- Identify speaking opportunities to enable the Board to present the results of its work to interested groups and organizations.
- Monitor public concerns to assist in identifying topics for future special investigations and reports.
- Implement a client survey process to evaluate the quality of Board work and identify areas for improvement.

## SUMMARY OF ACTIVITIES BY BUSINESS AREA

### AUDITS COMPLETED AND PUBLISHED IN 2004/05

| AUDITEE & LOCATION | FOCUS | FINDINGS |
|---|---|---|
| Richmond Plywood Corporation Ltd., Forest Licence A19243<br>North Island – Central Coast Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • The auditee's planning and field activities complied, in all significant respects, with the Code.<br>• Significant non-compliance involving a potential user safety issue along the Nahwitti Forest Service Road on a bridge that is the responsibility of the North Island–Central Coast Forest District. |
| Western Forest Products Ltd., Tree Farm Licence 25<br>South Island Forest District<br>Campbell River Forest District<br>North Island – Central Coast Forest District<br>North Coast Forest District<br>Queen Charlotte Islands Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • The auditee's planning and field activities complied, in all significant respects, with the Code. |
| Revelstoke Community Forest Corporation, Tree Farm Licence 56<br>Columbia Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • With the exception of firefighting equipment, training and preparedness, the auditee's planning and field activities complied, in all significant respects, with the Code. |
| 3rd Annual Audit of Nisga'a Lands<br>New Skeena Forest Products Inc., Tree Farm Licence 1 and Forest Licence A64298<br>Sim Gan Forest Corporation, Forest Licence A64299<br>West Fraser Mills Ltd., Forest Licence A 16882<br>BC Timber Sales—Skeena<br>District Manager, Kalum Forest District<br>Kalum Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices**<br>• **Code compliance and enforcement by Ministries of Forests and Water, Land and Air Protection** | • The auditees' planning and field activities complied, in all significant respects, with the Code and the Nisga'a Final Agreement.<br>• The district manager complied, in all significant respects, with the requirements of the Code.<br>• The Ministry of Forests is appropriately enforcing the Code on Nisga'a lands.<br>• The Ministry of Water, Land and Air Protection is not appropriately enforcing the Code on Nisga'a lands. |

| AUDITEE(S) & LOCATION | FOCUS | FINDINGS |
|---|---|---|
| West Fraser Mills Ltd., Forest Licence A20002<br>100 Mile House Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • The auditee's planning and field activities complied, in all significant respects, with the Code.<br>• A scope limitation on harvesting practices resulted from some relevant records being destroyed in a fire. |
| BC Timber Sales, Cariboo-Chilcotin<br>Chilcotin Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • With the exception of non-compliance related to the failure to establish free-growing stands, the auditee's planning and field activities complied, in all significant respects, with the Code |
| Canadian Forest Products Ltd., Forest Licence A18151<br>Peace Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • The auditee's planning and field activities complied, in all significant respects, with the Code and FRPA. |
| International Forest Products Ltd. (Forest Licence A19203)<br>Teal Cedar Products Ltd. (Forest Licence A19201)<br>BC Timber Sales—Chinook<br>Chilliwack Forest District | **Effectiveness of stream riparian management in:**<br>• **operational planning**<br>• **harvesting**<br>• **road construction and deactivation** | • Forest practices were substantially in compliance with the riparian provisions of the Code and are effective in managing stream riparian areas.<br>• There is an area for improvement relating to sediment entering streams from road crossings. |
| Canadian Forest Products Ltd. (Forest Licence A15384)<br>Abitibi Consolidated Company of Canada (Forest Licence A15385)<br>BC Timber Sales, Prince George<br>Mackenzie Forest District | **Effectiveness of forest soil conservation in:**<br>• **operational planning**<br>• **harvesting**<br>• **road construction** | • Forest practices are effectively conserving forest soils.<br>• In all but one cutblock, detrimental soil disturbance was negligible due to sound planning and diligent execution of harvesting activities. However, in the four year period of the audit, only three sections of road were rehabilitated to restore the productivity of the underlying soils.<br>• The auditees identified numerous disincentives, both financial and operational, that are precluding rehabilitation.<br>• The audit also determined that the introduction of FRPA does not give rise to any significant gaps in legislation that could impact forest soil conservation. However, FRPA itself may require improvement.<br>• The audit identified non-compliance on the part of BCTS related to its road construction practices exceeding prescribed limits for soil disturbance. |

## AUDITS COMPLETED AND PUBLISHED IN 2004/05

| AUDITEE(S) & LOCATION | FOCUS | FINDINGS |
|---|---|---|
| Okanagan Indian Band<br>Non-Replaceable Forest Licence A73213<br>Okanagan Shuswap Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire-protection practices** | • The auditee's planning and field activities complied, in all significant respects, with the Code and FRPA. |
| 4th Annual Audit of Nisga'a Lands<br>New Skeena Forest Products Inc., Tree Farm Licence 1 and Forest Licence A64298<br>Sim Gan Forest Corporation, Forest Licence A64299<br>West Fraser Mills Ltd., Forest Licence A 16882<br>BC Timber Sales, Skeena<br>District Manager, Kalum Forest District<br>Kalum Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture** | • The auditees' planning and field activities complied, in all significant respects, with the Code and the Nisga'a Final Agreement.<br>• The district manager complied with obligations for road maintenance and forest health in all significant respects with the requirements of the Code and the Nisga'a Final Agreement.<br>• The Board expressed concern regarding the timely completion of yarding and hauling activities on incomplete cutblocks; the timely fulfillment of silvicultural obligations; and the fulfillment of road maintenance obligations. |
| L. & M. Lumber Limited Forest Licence A55578<br>Pacific Inland Resources, a division of West Fraser Mills Ltd., Forest Licence A16830<br>Fraser Lake Sawmills, a division of West Fraser Mills Ltd., Forest Licence A18162<br>Canadian Forest Products Ltd., Forest Licences A18165 & A40873<br>British Columbia Timber Sales<br>Vanderhoof Forest District | • **operational planning and activities related to mountain pine beetle management, including**<br>• **forest development plans**<br>• **silviculture prescriptions/ site plans**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation;**<br>• **site preparation**<br>• **planting**<br>• **hazard abatement** | • The audit found the licensees to be in compliance, in all significant respects, with the Code's planning and practices requirements as they relate to mountain pine beetle management.<br>Note: this report is part of the Board's special report titled: *Evaluating Mountain Pine Beetle Management in British Columbia* |

## NEW AUDITS STARTED IN 2004/05

| AUDITEE(S) & LOCATION | FOCUS | FINDINGS |
|---|---|---|
| Canadian Forest Products Ltd., Tree Farm Licence 37<br>North Island – Central Coast Forest District | • **biodiversity conservation** | The findings will be reported publicly upon completion, anticipated in fall 2005. |
| Wyndell Box and Lumber Company, Forest Licence A20214<br>Kootenay Forest District | • **streamside practices** | The findings will be reported publicly upon completion, anticipated in summer 2005. |
| International Forest Products Ltd., Tree Farm Licence 45 and Forest Licence A19232<br>TFL Forest Ltd., Tree Farm Licence 47 and Forest Licence A20913<br>Weyerhaeuser Ltd., Tree Farm Licence 39 and Forest Licence A19225<br>Canadian Forest Products Ltd, Forest Licence A19233<br>BC Timber Sales, Strait of Georgia<br>Campbell River Forest District | **Effectiveness of visual quality management in:**<br>• **timber harvesting** | The findings will be reported publicly upon completion, anticipated in spring 2005. |
| Ministries of Forests, and Water, Land and Air Protection<br>Fort St. James Forest District | • **enforcement of forest practices legislation** | The findings will be reported publicly upon completion, anticipated in summer 2005. |
| BC Timber Sales Program—Kamloops<br>100 Mile House Forest District | • **operational planning**<br>• **timber harvesting**<br>• **road construction, maintenance and deactivation**<br>• **silviculture**<br>• **fire protection practices** | The findings will be reported publicly upon completion, anticipated in spring 2005. |

## COMPLAINTS RECEIVED IN 2004/05

| FILE, LOCATION, DATE RECEIVED | COMPLAINT | STATUS (AT MARCH 31, 2005) |
|---|---|---|
| 040531, West Kootenay, March 2004 | **An affected member of the public was not provided with maps in a form or location that was required for review and comment of operational plans.** | Closed – Published in February 2005 |
| 040533, South Vancouver Island, February 2004 | **Scarce coastal Douglas-fir plant communities were not being conserved during approval of forest practices.** | Closed – Abandoned by complainant |
| 040534, West Kootenay, March 2004 | **An operational plan should not have been approved for a woodlot because there was no watershed assessment done.** | Closed – Published in September 2004 |
| 040550, Fraser Valley, July 2004 | **Forest practices planning and government enforcement were inadequate in a woodlot.** | Open |
| 040555, South Vancouver Island, April 2004 | **Scarce coastal Douglas-fir plant communities were not being conserved during approval of forest practices.** | Open |
| 040558, South Vancouver Island, May 2004 | **Approved harvesting plans did not adequately protect features that were important to the local recreational community.** | Open |
| 040565, Northern Coastal BC, June 2004 | **Dropping logs in ocean channels interfered with resident and migratory humpback whales.** | Open |
| 040577, Southwestern Vancouver Island, July 2004 | **Government unreasonably approved harvesting in scarce high-quality marbled murrelet nesting habitat.** | Closed – Published in February 2005 |
| 040582, West Kootenay, August 2004 | **Harvesting was approved despite potential damage to water supply, and harvesting damaged a water source.** | Open |
| 040583, Fraser Valley, September 2004 | **Government development of a recreational site did not respect recreational values.** | Closed – Published in March 2005 |
| 040584, Northwestern BC, August 2004 | **A licensee did not consult First Nations and damaged an identified cultural site during road building.** | Open |
| 040585, Queen Charlotte Islands, August 2004 | **A licensee withheld information from a public organization that was essential for public review and comment on operational plans.** | Open |
| 040587, Northwestern BC, September 2004 | **Government failed to enforce the Code for a trespass cabin and trail, resulting in damage to the alpine environment.** | Open |
| 040594, Fraser Valley, October 2004 | **Approved harvesting plans did not adequately protect water, rare plants and wildlife.** | Open |
| 040598, West Kootenay, October 2004 | **Operational plans disregarded public input and sensitive terrain.** | Open |
| 040617, Fraser Valley, December 2004 | **Operational plans were approved that did not adequately conserve mountain goats.** | Closed – Published in March 2005 |
| 040619, Northwestern BC, December 2004 | **Salvage of beetle-killed forest is causing unacceptable impacts to a tourism operation.** | Open |
| 050625, Queen Charlotte Islands, February 2005 | **Harvesting of high quality marbled murrelet habitat was unreasonably approved both inside and outside the timber harvesting land base.** | Open |
| 050628, Fraser Valley, March 2005 | **Government failed to require conservation of marbled murrelet habitat.** | Open |

## REPORTS PUBLISHED IN 2004/05

### AUDITS

Audit of Forest Planning and Practices on Nisga'a Lands, 2003

Audit of Forest Planning and Practices, Okanagan Indian Band, Non-Replaceable Forest Licence A73213

Audit of Forest Soil Conservation in the Mackenzie Forest District

Audit of Stream Riparian Management in the Chilliwack Forest District

Audit of Forest Planning and Practices, Canadian Forest Products Ltd., Forest Licence A18151

Audit of Forest Planning and Practices, British Columbia Timber Sales Program, Chilcotin Forest District

Audit of Forest Planning and Practices, West Fraser Mills Ltd., Forest Licence A20002

Audit of Forest Planning and Practices on Nisga'a Lands, 2004

Audit of Forest Planning and Practices, Revelstoke Community Forest Corporation, Tree Farm Licence 56

Audit of Forest Planning and Practices, Western Forest Products Ltd., Tree Farm Licence 25

Audit of Forest Planning and Practices, Richmond Plywood Corporation Ltd., Forest Licence A19243

### COMPLAINT INVESTIGATIONS

Harvesting in the Winslow Goat Winter Range

Public Access to Forest Planning Documents

Logging Near Endangered Plants

Approval of Logging in Areas Suitable for Marbled Murrelets

Nadina Beetle Treatments

Consideration of Water Impacts from Planned Woodlot Harvesting near Nakusp

BC Timber Sales and Road Maintenance

Approval of Harvesting near the Mara Meadows Ecological Reserve

Windthrow of Trees in the Walbran Valley

### SPECIAL INVESTIGATIONS

Post-fire Site Rehabitation: Final Report

Windthrow on West Island Timberlands

Post-fire Site Rehabilitation Special Investigation: Interim Report

### SPECIAL REPORTS

BC's Mountain Caribou: Last Chance for Conservation?

A Lack of Direction: Improving Marbled Murrelet Habitat Conservation Under the Forest and Range Practices Act

Evaluating Mountain Pine Beetle Management in British Columbia

Integrating Non-Timber Forest Products into Forest Planning and Practices in British Columbia

Special Report on the Kemess South Mine Power Line Right-Of-Way

Implementation of Biodiversity Measures under the Forest Practices Code - Implications for the Transition to the Forest and Range Practices Act

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3rd Floor 1675 Douglas St.
PO Box 9905, Stn Prov Govt
Victoria British Columbia
Canada V8W 9R1
Toll-free. 1.800.994.5899
T. 250.387.7964
F. 250.387.7009
www.fpb.gov.bc.ca